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Group Art Unit: 1618

**Attorney
Docket: 24305**

**Attorney
Docket: 24305**

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REQUEST FOR REFUND UNDER 37 CFR 1.26

During the course of prosecuting the above-identified application, Applicant filed a Request for Continued Examination (RCE) on June 6, 2006.

Applicant, through error and mistake, erred in calculating the fees required when filing an RCE, and authorized excess filing fee payments based on the total number of claims then pending in the application, as well as the \$395.00 RCE fee, even though no additional claims were introduced at the time of filing of the RCE's.

These authorized charges were then debited from Applicant's Deposit Account 501407. It is requested that these excess charges, made by mistake, be refunded to Applicants Deposit Account 501407.

The details of the errors are as follows:

On June 5, 2006, Applicant authorized (see attachment) the RCE filing charge of \$790, as well as \$1600 for 32 additional claims over 20, and \$600 for 3 additional independent claims over 3, even though the above claims had been previously been paid for and no new claims were introduced with the filing of the RCE. These

charges were debited on June 7, 2006 from Applicants Deposit Account 501407, and are highlighted in the attached June 2006 Deposit Account Statement. The charges for the excess claims fees (Fee Codes 1201 and 1202) were not required and paid by mistake.

A refund of \$2200 is deemed to be in order.

Applicant has not been refunded the excess charges requested herein.

This request for refund is being made within two years of the charge against the Deposit Account.

This request for refund is clearly one that was paid by mistake, and in excess of that required and is contemplated by 37 CFR 1.26.

Favorable consideration of this Refund request is earnestly solicited.

Respectfully submitted,



Martin Moynihan,
Registration No. 40,338

Date: March 3, 2008



Approved for use through 10/31/2002. OMB 0851-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,
provides for continued examination of an utility or plant application
filed on or after June 8, 1995.
See The American Inventors Protection Act of 1999 (AIPA).

Application Number	10/018,992
Filing Date	February 19, 2003
Examiner Name	Simon J. Oj
First Named Inventor	Raffael LAHAV et al
Group Art Unit	1618
Attorney Docket Number	24305

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 18, 2000); Interim Rule, 65 Fed. Reg. 14885 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

a. ☒ Previously submitted

i. ☒ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on March 6, 2006
(Any unentered amendment(s) referred to above will be entered).

ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

b. ☒ Enclosed

i. ☐ Amendment/Reply

ii. ☐ Affidavit(s)/Declaration(s)

iii. ☐ Information Disclosure Statement (IDS)

iv. ☒ Other Three (3) Month Extension fee

v. ☐ Other _____

2. Miscellaneous

a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)

b. ☐ Other _____

3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

For:	Column 1 No. Filed	Column 2 No. Extra	SMALL ENTITY RATE FEE		OTHER THAN A SMALL ENTITY RATE FEE	
Request for Continued Examination (RCE)			1	\$ 395		\$ 790
Multiple Dependent Claims			0 x \$ 180	\$ 0	\$ 360	\$
Total Claims	52 - 20=	32	\$ 25	\$	32 x \$50	\$1600
Independent Claims*	6 - 3=	3	\$ 100	\$	3 x \$200	\$600
			TOTAL	\$	TOTAL	\$2990

☒ The Commissioner is hereby authorized to charge \$2990.- filing fees to Deposit Account No. 50-1407. In the event additional fees are required, please charge these additional fees to Deposit Account No. 50-1407. In the event of overpayment, please credit Deposit Account No. 50-1407.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Martin D. Moynihan	Registration No. (Attorney/Agent)	40,338
Signature	<i>Martin D. Moynihan</i>	Date	June 5, 2006



United States
Patent and
Trademark Office



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Online
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Deposit Account Statement

Requested Statement Month:

June 2008

Deposit Account Number:

501407

Name:

G E EHRLICH (1995) LTD.

Attention:

A J CASTORINA

Street Address 1:

2001 JEFFERSON DAVIS HIGHWAY

Street Address 2:

SUITE 207

City:

ARLINGTON

State:

VA

Zip:

22202

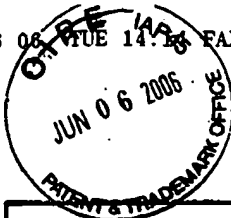
Country:

UNITED STATES

See next page

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
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06/01	10	10859747	26682	1504	\$300.00	\$71,207.55
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06/08 27 10561839 30024	2817	\$65.00	\$53,647.55
06/08 66 11402982 31694	1051	\$130.00	\$53,517.55
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06/08 16 10554387 30570	2832	-\$250.00	\$52,567.55
06/08 17 10554387 30570	2842	\$200.00	\$52,367.55
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Approved for use through 10/31/2002. OMB 0651-0031
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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995. See The American Inventors Protection Act of 1999 (AIPA).	Application Number	10/018,992
	Filing Date	February 19, 2003
	Examiner Name	Simon J. Oj
	First Named Inventor	Raffael LAHAV et al
	Group Art Unit	1618
	Attorney Docket Number	24305

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- i. ☒ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on March 6, 2006
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- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

b. ☒ Enclosed

- i. ☐ Amendment/Reply
 ii. ☐ Affidavit(s)/Declaration(s)
 iii. ☐ Information Disclosure Statement (IDS)
 iv. ☒ Other Three (3) Month Extension fee
 v. ☐ Other _____

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 6 months. Fee under 37 C.F.R. § 1.117(c) required.)
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TOTAL				\$	TOTAL	\$2990

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Martin D. Moynihan	Registration No.	40,338
Signature	<i>Martin D. Moynihan</i>	Date	June 5, 2006

06/08/2006 SZEWDIE1 00000001 501407 10018992

01 FC:1801 790.00 DA

01 FC:1811 100.00 DA
 02 FC:1201 600.00 DA
 03 FC:1202 1600.00 DA

Adjustment date: 03/19/2008 HDESTA1
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 02 FC:1201 600.00 CR
 03 FC:1202 1600.00 CR

Adjustment date: 06/08/2006 SZEWDIE1
 06/07/2006 SZEWDIE1 00000007 501407 10018992
 01 FC:1811 100.00 CR